

418 KAR 1:020. Administrative procedures of the board.

RELATES TO: KRS 61.805-61.850, 61.870-61.884, 146.550-146.570

STATUTORY AUTHORITY: KRS 146.560(2), 146.565

NECESSITY, FUNCTION, AND CONFORMITY: KRS 146.560(2) requires the board to promulgate administrative regulations necessary for the application for funds from agencies identified in KRS 146.570, review and approval of projects and grants, and acquisition of land. This administrative regulation establishes procedures for the application for funds from agencies as established in KRS 146.570, for review and approval of projects and grants, and for acquisition of land.

Section 1. Meetings.

(1) Regular meetings. The board shall meet quarterly at times and places designated by the chair. The board shall provide for a yearly schedule of regular meetings pursuant to KRS 61.820.

(2) Special meetings.

(a) If a regular meeting is rescheduled, the board shall provide written notice of the rescheduled meeting pursuant to KRS 61.823(3) through (4).

(b) The chair or a majority of the members of the board may call a special meeting. The board shall provide written notice of a special meeting pursuant to KRS 61.823(3) through (4), unless the meeting is an emergency meeting, in which case the board shall comply with the notice requirements of KRS 61.823(5).

(3) Closed sessions. Deliberations on the future acquisition of land may be closed to the public if publicity would be likely to affect the value of the land. Sessions may also be closed to the public for any other reason permitted by KRS 61.810. The board shall meet the requirements for closed sessions established in KRS 61.815.

Section 2. Quorum.

(1) Five (5) members of the board shall be required to constitute a quorum of which:

(a) Two (2) shall be members pursuant to KRS 146.560(1)(a) through (e); and

(b) Three (3) shall be members pursuant to KRS 146.560(1)(f) through (k).

(2) The board shall act by a majority of those present at the meeting and constituting a quorum.

Section 3. Meeting Participation.

(1) A board member may participate in a meeting in person or by video teleconference pursuant to KRS 61.826.

(2) The designation of a board member pursuant to KRS 146.560(1)(a) through (e) shall be in writing and shall be submitted to the chair prior to the first meeting the designee attends. If the requirements of this subsection are not met, the designee shall not be permitted to vote.

Section 4. Meeting Minutes and Annual Report. (1) Meeting minutes. Minutes of each meeting of the board shall be prepared and sent to each member of the board. Except for a closed session meeting, the minutes shall be provided to an interested party upon written request to the board in accordance with the requirements of KRS 61.872(2).

(2) Annual report. An annual report of the activities of the board for the previous year shall be prepared.

(a) This report shall include a cumulative list of all approved projects and a brief status report of areas acquired through the fund the previous fiscal year.

(b) The board shall submit the annual report to the Legislative Research Commission by October 1 of each year. Upon receipt of the annual report, the Legislative Research Commission may publish it in the Legislative Record or other appropriate publication.

Section 5. Officers. The board shall annually nominate and elect a vice-chair and a treasurer. The vice-chair shall preside over meetings in the absence of the chair. The treasurer, who shall be a member appointed pursuant to KRS 146.560(1)(f) through (k), shall monitor and report disbursements and receipts.

Section 6. Committees.

(1) There shall be two (2) standing committees - a projects review committee and a stewardship committee. The chair, with board approval, may also create other committees for specific purposes and a definite term.

(2) The projects review committee:

(a) Shall, through the administration of the office:

1. Review project applications submitted in accordance with 418 KAR 1:040;
2. Determine the compliance of an application with the four (4) priorities for acquisition established in KRS 146.560(2)(a) through (d);
3. Determine completeness and accuracy of an application; and
4. Prepare and submit a report of its findings to:
 - a. Each individual board member at least fifteen (15) days prior to a meeting at which the application will be considered by the board; and
 - b. The applicant; and

(b) May:

1. Assist an applicant in the preparation of an application; and
2. Contact an applicant before the due date of a report to correct a minor deficiency in the application.

(3) The stewardship committee shall, through the administration of the office:

(a) Review and make recommendations to the board regarding preliminary and final RMPs; and

(b) Ensure that the management of land purchased, in whole or in part, with fund money meets the requirements of:

1. KRS 146.550 through 146.570;
2. 418 KAR Chapter 1;
3. A written agreement between the board and a recipient of fund money;
4. A conservation easement or deed restriction held by the Commonwealth through the board for the use and benefit of the citizens of the Commonwealth in a manner consistent with KRS 146.550 through KRS 146.570 and the purposes for which the property was acquired;
5. The latest RMP approved by the board; and
6. Any other written restrictions, easements, or articles of dedication approved by the board.

(4) A committee shall include at least three (3) members, two (2) of whom are board members, one (1) having been appointed to the board by the Governor of Kentucky or as established in KRS 146.560(1)(f) through (k).

(a) The chair shall appoint committee members and a committee chair, and shall be a voting ex officio member of each committee.

(b) The board member representing the office or proxy shall be an ex officio member of each committee due to the administration of the fund program by the office.

(5) A majority of the members of a committee shall constitute a quorum. A committee shall act by a majority of those present at a meeting at which a quorum is present.

(6) Committee membership shall be established at the first meeting of each fiscal year. (21 Ky.R. 2847; 22 Ky.R. 92; eff. 7-12-1995; 25 Ky.R. 2938; 26 Ky.R. 590; eff. 9-8-1999; TAm eff. 8-9-2007; 39 Ky.R. 846; 1196; eff. 2-1-2013; 45 Ky.R. 1806, 2659; eff. 4-5-2019.)